

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**U.S. APPLICATION NO. (If known, see 37 CFR 1.5)
10/528,587INTERNATIONAL APPLICATION NO.
PCT/FR03/02881INTERNATIONAL FILING DATE
October 1, 2003PRIORITY DATE CLAIMED
October 11, 2002TITLE OF INVENTION
ELECTRIC POWER SOURCE COMPRISING A FUEL CELL WITHOUT DISCHARGE OF MATTER TO THE OUTSIDE AND
CONTROL PROCESS OF SUCH A POWER SOURCEAPPLICANT FOR DO/EO/US
Jean-Philippe POIROT-CROUVEZIER

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
 - c. ☐ The International Application was filed in English.
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☒ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13~~ter~~.2 and 37 CFR 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: Transmittal of Power of Attorney

U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.5) 10/528,587		INTERNATIONAL APPLICATION NO. PCT/FR03/02881		ATTORNEY'S DOCKET NUMBER 123210	
21. <input checked="" type="checkbox"/> The following fees are submitted:				CALCULATIONS PTO USE ONLY	
BASIC NATIONAL FEE (37 CFR 1.492(a)): \$ 300.00				\$	
SEARCH FEE (37 CFR 1.492(b)(1)-(3)):				\$	
International search fee (37 CFR 1.445(a)(2)) paid to USPTO as ISA..... \$ 100.00					
International search report provided to USPTO no later than the time at which the search fee is paid \$ 400.00					
All situations not provided for above..... \$ 500.00					
EXAMINATION FEE (37 CFR 1.492(c)(1)-(2)):				\$	
International preliminary examination report prepared by the USPTO as IPEA and favorable as to novelty, inventive step, and industrial applicability for all claims presented in the application entering the national stage \$ 100.00					
All situations not provided for above..... \$ 200.00					
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$130.00	
TOTAL PAGES OF APPLICATION OVER 100 (- 100)	÷ 50	= †	x 250 =	\$	
†round up to next integer					
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
TOTAL CLAIMS	- 20	=	x 50.00 =	\$	
INDEPENDENT CLAIMS	- 3	=	x 200.00 =	\$	
MULTIPLE DEPENDENT CLAIM(S)(if applicable)			+ 360.00 =	\$	
TOTAL OF ABOVE CALCULATIONS =				\$130.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by ½.				\$	
SUBTOTAL =				\$130.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	
TOTAL NATIONAL FEE =				\$130.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$	
TOTAL FEES ENCLOSED =				\$130.00	
				Amount to be refunded:	\$
				charged:	\$
a. <input checked="" type="checkbox"/> Check No. 167049 in the amount of \$130.00 to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$_____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 15-0461. A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status. SEND ALL CORRESPONDENCE TO: OLIFF & BERRIDGE, PLC Customer Number: 25944					
Date <u>May 26, 2005</u>			NAME: William P. Berridge REGISTRATION NUMBER: 30,024 NAME: Philip A. Caramanica, Jr. REGISTRATION NUMBER: 51,528		



IAP04Rec'd PCT 06 OCT 2008

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

MAIL STOP PCT

Jean-Philippe POIROT-CROUVEZIER

Application No.: 10/528,587

Filed: March 21, 2005

Docket No.: 123210

For: ELECTRIC POWER SOURCE COMPRISING A FUEL CELL WITHOUT
DISCHARGE OF MATTER TO THE OUTSIDE AND CONTROL PROCESS OF
SUCH A POWER SOURCE

RESPONSE TO DECISION ON PETITION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the October 6, 2008 Decision on Petition, Applicant submits a PTO Date Stamp and a PCT Transmittal that identifies the date of filing of the Declaration in this application as May 26, 2005. Therefore, Applicant respectfully submits that the correct filing date of the Declaration, and completion of the Requirements under 35 U.S.C. §371, is May 26, 2005. As such, Applicant requests correction of the Official Filing Receipt in accordance with the June 20, 2005; June 20, 2006; and January 22, 2007 Requests for Correction of Palm filed in this application.

Should anything further be desirable in order to place this application in even better condition for examination, the Patent Office is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



William P. Berridge
Registration No. 30,024

Amy A. Thekdi
Registration No. 62,199

WPB:AAT/ccs

Attachments:

Copy of Decision of Petition
May 26, 2005 PCT Transmittal
May 26, 2005 PTO Date-Stamped Receipt
Copy of Official Filing Receipt with Corrections

Date: October 6, 2008

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
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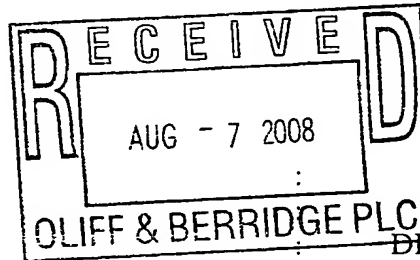
06 AUG 2008

UNITED STATES PATENT AND TRADEMARK OFFICE



Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850



In re Application of
POIROT-CROUVEZIER
U.S. Application No.: 10/528,587
PCT No.: PCT/FR03/02881
Int. Filing Date: 01 October 2003
Priority Date: 11 October 2002
Attorney Docket No.: 123210

For: ELECTRONIC POWER SOURCE COMPRISING :
A FUEL CELL WITHOUT DISCHARGE OF :
MATTER TO THE OUTSIDE AND CONTROL :
PROCESS OF SUCH A POWER SOURCE :

DECISION ON PETITION

UNDER 37 CFR 1.181

DUE DATE

OCT - 6 2008

This decision is in response to applicant's status letter inquiry filed 20 June 2008 in the United States Patent and Trademark Office (USPTO) regarding previously filed requests for a corrected filing receipt. For the reasons discussed below the matter is being treated as a petition under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 01 October 2003, applicant filed international application PCT/FR03/02881 which claimed priority of an earlier application filed 11 October 2002. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 22 April 2004. The deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 11 April 2005.

On 21 March 2005, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a translation of the international application into English; an Application Data Sheet; a signed declaration of the inventor; an Information Disclosure Statement and a First Preliminary Amendment.

On 26 May 2005, applicant filed a second transmittal letter covering a power of attorney and assignee statement under 37 CFR 3.73(b).

On 06 June 2005, applicant was mailed a "Notice of Acceptance" (Form PCT/DO/EO/903) indicating a receipt date of 21 March 2005 for the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements and a date of 26 May 2005 as the date of completion of all 35 U.S.C. 371 requirements. The official filing receipt indicated a filing date or 371 date of 21 March 2005.

DOCKETED

By HAE on 8-7 2008
and
By clm on 08/07 2008
Oliff & Berridge

On 20 June 2008, applicant filed the status letter discussed herein. It is noted that the application file contains numerous requests for corrected filing receipt and status inquires on this matter.

DISCUSSION

Applicant is seeking a corrected 371 date of 26 May 2005. The request does not provide a reason for the requested change. However, it is presumed from an inspection of the transmittal letter filed 26 May 2005 that applicant is arguing that the executed declaration was filed on this date. The declaration in the application file is stamped with a USPTO date stamp of "21 MAR 2005." This appears to be the rationale for the assigning of 21 March 2005 on the official filing receipt. If applicant desires a 35 U.S.C. 371 date of 26 May 2005 applicant should provide the office with a stamped return postcard indicating a receipt date of 26 May 2005. It is possible that the declaration was incorrectly stamped.

A new Form PCT/DO/EO/903 is required in the case in that the 30 month deadline was 11 April 2005. Applicant did not check box three of the initial transmittal letter requesting an express national examination procedure. Therefore, if the declaration was filed on 21 March 2005, the date of completion of all 35 U.S.C. 371 requirements should be 11 April 2005. If the declaration was filed on 26 May 2005, both dates would be 26 May 2005. Once applicant has responded to this decision a corrected Form PCT/DO/EO/903 and filing receipt will be issued.


CONCLUSION

For the reasons detailed above, applicant's petition under 37 CFR 1.181 is DISMISSED.

This application remains **ABANDONED**.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181." Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.


Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

PTO RECEIPT FOR FILING OF PAPERS



► Mail Room (Regular Delivery)

The following papers have been filed:

chk#167049 (\$130); PCT Trans; Dec; POA Trans; General POA; cpy Assgmt.

Name of Applicant: Jean-Philippe POIROT-CROUVEZIER

Serial No.: 10/528,587

Atty. File No.: 123210

Title (New Cases):

Sender's Initials: WPB/nxy

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PATENT OFFICE DATE STAMP

**COPY TO BE STAMPED BY PATENT OFFICE
AND RETURNED BY MESSENGER
Oliff & Berridge, PLC**

277 S. Washington Street, Suite 500, Alexandria, Virginia 22314